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Attorneys for Plaintiff Vial and proposed Class Members

**UNITED STATES DISTRICT COURT
DISTRICT OF NEW JERSEY**

JAIME VIAL, as representative of the heirs
of Rene Correa Borquez and on behalf of
other persons similarly situated,

Plaintiff,

v.

ELIZABETH MAHER MUOIO, in her
official capacity as TREASURER OF THE
STATE OF NEW JERSEY; STEVEN
HARRIS, in his official capacity as
ADMINISTRATOR OF THE STATE OF
NEW JERSEY UNCLAIMED
PROPERTY ADMINISTRATION; and
KELMAR ASSOCIATES, LLC,

Defendants.

Case No.: 3:24-cv-11301

**[PROPOSED] ORDER GRANTING
MOTION FOR TEMPORARY
RESTRAINING ORDER AND
PRELIMINARY INJUNCTION**

The Court, having considered the motion of Plaintiff Jaime Vial for a temporary restraining order and a preliminary injunction, any briefs filed in support and opposition, argument of counsel, and the full record of this case, hereby orders as follows:

For good cause shown, Plaintiff's motion for a temporary restraining order and a preliminary injunction is GRANTED.

It is hereby ORDERED that:

(i) It is declared that Defendants' enforcement and administration of the New Jersey Uniform Unclaimed Property Act, N.J. Stat. Ann. § 46:30B-1 et seq. ("NJUPA"), against Plaintiff and the Class Members violate the Fifth and Fourteenth Amendments of the United States Constitution;

(ii) Defendants are enjoined from enforcing or administering the NJUPA unconstitutionally against Plaintiff and Class Members;

(iii) enjoining Defendants from selling or disposing of property already seized under the NJUPA or held by private auditors and holders under their direction and control;

(iv) Defendants are required to identify class members potentially entitled to individualized relief; and

(v) Defendants are required to return the property belonging to each Plaintiff and Class Member or otherwise put them in the same position monetarily as they would have occupied if the property had not been seized and taken, with interest and with compensation for any appreciation in the value of the property since its seizure.

Dated: February 3, 2025

Hon. Robert Kirsch, U.S.D.J.